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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,927	07/25/2003	Masataka Tsutsumi	SIZE-F-REG	5409
24120	7590	10/13/2005	EXAMINER	
DAVID P DURESKA BUCKINGHAM DOOLITTLE & BURROUGHS, LLP 4518 FULTON DRIVE, NW P O BOX 35548 CANTON, OH 44735-5548			KOHNER, MATTHEW J	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/626,927		TSUTSUMI, MASATAKA	
	Examiner		Art Unit	
	Matthew J. Kohner		3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-20 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/25/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the means for feeding particles to each of said screens from two opposing sides of each of the screens" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's claim language in claim 1 includes the limitation of, "means for feeding particles to each of said screens from two opposing sides of each of the screens;" This language is not commensurate with the Applicant's disclosure. Applicant discloses feeding particles to each screen from a spreader tray disposed above each of the trays (see specification, page 2). Further, Applicant discloses the particles are retained on each spreader tray by a lip which causes the particles to be encouraged by the vibration of the screen box to fall through the perforations (not shown) defined in the spreader tray (see specification page 8). In this manner, each spreader tray provides a rainfall-like distribution of particulate material on each respective screen (see specification, page 8). Therefore, while Applicant has disclosed and described feeding particles from opposite sides of the spreader trays, the Applicant has not disclosed in the specification or drawings any indication of how particles are fed from two opposing sides of the screen.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 2,191,928 to Cecka in view of US Patent No. 3,439,800 to Tonjes.

Cecka discloses a particle sizing and separating apparatus, comprising:

a base (25);

a frame (at least two frames 12) movably mounted on the base;

at least two screens (56) mounted on the frame;

means for feeding particles to each of said screens from two opposing sides of each of the screens (see e.g. Fig. 1 or 4 wherein inlet ducts 15 feed particles to opposing sides of the screens);

a pan (60) disposed beneath each screen to receive sized particles that pass through the screens; and an outlet (11) to receive oversize particles that pass over the screens.

Cecka does not disclose a motor assembly for vibrating the frame. Instead, he discloses a crank (29) and shaft (28) which impart rotary motion to the screening box. However, it is well known in the art, and further, would be obvious to one of ordinary skill in the art, that a motor could be used for the same purpose of providing rotary motion such as vibration to the screening box (see e.g. US Patent No. 3,439,800 to Tonjes). Further in regard to claim 8, it is well known that vibratory systems employ springs (see e.g. Tonjes Fig. 1, #23). It would be obvious to one of ordinary skill in the art that springs, such as disclosed by Tonjes, should be used in the vibratory system.

In regard to claims 2, Cecka discloses carrier flights (66) in the form of short plates or vanes arranged above each sieve at one side thereof to deflect the material across the sieve toward the discharge end thereof.

In regard to claim 3, Cecka disclose a screen box (70).

In regard to claims 4 and 5, Cecka discloses carrier flights (66) in the form of short plates or vanes arranged above each sieve at one side thereof to deflect the material across the sieve toward the discharge end thereof. Therefore, the vanes control the flow of the particles throughout the sieves and hence together they comprise a flow control system.

In regard to claims 6 and 7, see Fig. 1.

In regard to claim 9, Cecka discloses tube 63 for conveying undersize particles which have passed through the screen and tube 63 is in fluid communication with the pans (60) (see page 4, col. 1 lines 43-72).

Allowable Subject Matter

Claims 10-20 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 571-272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew J. Kohner
Examiner
Art Unit 3653

mjk


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
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